

Motor Vehicle Division Informational Memo # 20-12

Termination of COVID-19 Proclamation of Disaster Emergency-Effect on Motor Carrier Title and Permit Transactions

DATE: August 25, 2020

FROM: Angel Robinson, Director, VMCS

TO: All Vehicle & Motor Carrier Services staff

SUBJECT

This informational memo explains the new deadlines and application of penalties for motor carrier customers based on the expiration of Governor Kim Reynolds's Proclamation at 11:59 p.m. on September 20, 2020. The Governor's proclamations addressed the following:

- 30-day deadline to apply for a certificate of title under Iowa Code 321.20A. **Note this provision expired as of July 25, 2020.**
- Permit requirements for oversize and overweight loads under Iowa Code 321E.29 and Iowa Administrative Code 761-511.
- Limitation of permits for oversize or overweight loads to loads which are indivisible under Iowa Code sections 321.463, 321E.2, 321E.8, and 321E.9.
- Requirement that vehicles traveling under permit be registered for the gross weight of the vehicle and load under Iowa Code 321E.12.
- Requirement of payment of fee for a permit issued to a vehicle and load under Iowa Code 321E.14.
- Requirement limiting hours of service of motor carriers and drivers of commercial motor vehicles under Iowa Code 321.449.

The Director of the DOT issued waivers of several Iowa administrative rules based in part on the Governor's proclamations. The waivers relevant here are the following:

- Requirement to register for IRP or license under IFTA for vehicles under Iowa Administrative Code sections 761-500.1 et seq., 500.24, 505.1 et seq., and 505.3(9).
- Requirement that each motor carrier operating under a motor carrier permit issue a bill of lading or receipt in triplicate on the date freight is received for shipment under Iowa Administrative Code 761-524.13.

SUMMARY

On March 13, Governor Reynolds issued a Proclamation of Disaster Emergency throughout the entire State of Iowa for Novel Coronavirus 2019 (COVID-19). A subsequent proclamation was issued on March 17. Certain proclamation provisions were extended on April 20, April 27, May 26, June 25, July 24, and August 21, and will terminate at 11:59 p.m. on September 20, 2020, unless further extended. In response to questions we have received from both staff and customers, we are issuing this informational memo detailing how the proclamation and subsequent extensions will affect certain transactions that occur on and after the end date of the proclamation, namely, title applications for IRP vehicles and permit requirements.

This memo was originally issued June 10. It was revised on June 26, 2020 to implement the Governor's June 25 Proclamation and on July 24, 2020 to implement the Governor's July 24 Proclamation. It was revised again on August 25 to implement the Governor's August 21 Proclamation.

The guidance in this memo is effective July 27, 2020.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers will provide additional clarification for staff and customers.

HOW DID THE GOVERNOR'S MARCH 26 PROCLAMATION AFFECT NEW TITLE TRANSACTIONS FOR COMMERCIAL VEHICLES?

The Governor's Proclamation and subsequent extensions suspended part of Iowa Code § 321.20A, which states "the owner of a commercial vehicle subject to the apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for certificate of title....The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by" applicable fees. Therefore, the Governor's Proclamation paused the 30-day deadline for certain customers for the duration of the Proclamation and subsequent extensions.

This means that when certain customers title their vehicles, the DOT system will show these customers have exceeded the 30-day period. The system will calculate title penalties for those customers where the penalties should be waived. Appendix A below provides more detail on these customers.

WHICH CUSTOMERS ARE AFFECTED BY THE SUSPENSION FOR NEW TITLE TRANSACTIONS AND HOW ARE THEY AFFECTED?

This suspension only affects owners of commercial vehicles subject to apportioned registration provisions of chapter 326 who purchased vehicles between February 26 and July 25. **This provision was not renewed in the July 24 proclamation and therefore expired on July 25.** Customers who purchased vehicles between those dates will have the title penalties waived depending on the purchase date of the vehicle and the transaction date to pay title. Included in Appendix A is a chart that addresses each of these customers.

The following is an example using Appendix A for a customer who purchased a vehicle on March 1:

- Column 1 shows the purchase date of March 1.
- Column 2 shows how many days the customer already had to title and register the vehicle prior to the Governor's suspension of Iowa Code § 321.20A. This customer had 25 days.
- Column 3 shows the last date after the suspension lifts that the customer may title the vehicle before penalty. This customer has until July 31.
- Column 4 shows the first date that the penalty can no longer be waived for a customer. This customer can no longer have the penalty waived as of August 1.

WHICH CUSTOMERS ARE NOT AFFECTED BY THE SUSPENSION FOR NEW TITLE TRANSACTIONS?

A customer who purchased a commercial vehicle subject to apportioned registration provisions of chapter 326 on or before February 26 or on or after July 26 will not have the title and penalties waived. Appendix A includes these customers and identifies that they will not receive the penalty waiver. A customer who purchased a vehicle on or before February 26 does not qualify for the penalty waiver because the 30-day deadline for this customer expired prior to the Governor's Proclamation or any extension. This customer will pay the title penalties.

A customer who purchased a vehicle on or after July 26 will not qualify for the penalty waiver because the Governor did not extend this provision in the July 24 proclamation and therefore this suspension expires at 11:59 p.m. at July 25. Iowa Code § 321.20A will operate as normal for transactions after that date. If a customer does not acquire new title within the normal 30-day period, the customer will pay the title penalties.

HOW WILL THIS SUSPENSION IMPACT DOT STAFF?

DOT staff will see customers seeking to complete new title transactions for whom the system has calculated the title penalties. For qualifying customers, DOT staff should waive the penalties. Staff should use Appendix A to determine if a customer qualifies for the title penalty waiver.

HOW WILL THIS SUSPENSION IMPACT VEHICLE DEALERS?

Dealers will be responsible for submitting the title transaction within the deadlines identified in Appendix A or will be assessed the title penalties on the transaction.

HOW DID THE GOVERNOR'S MARCH 13 PROCLAMATION AFFECT CERTAIN DIVISIBLE LOADS MOVING ON STATE HIGHWAYS?

The Governor's proclamations and subsequent extensions authorized certain divisible loads to travel without permits on state highways and to travel with permits if exceeding 90,000 pounds. Each provision is addressed as follows:

First, the Governor's March 13 Proclamation and subsequent extensions suspended Iowa Code § 321E.29 and Iowa Administrative Code 761-511 to allow certain divisible loads to travel without permits on state highways. Under Iowa law, oversize and overweight divisible loads may only be operated on Iowa and US highways if "the department or permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit."

By suspending this law, oversize and overweight divisible loads may be operated on Iowa's highways without a permit under the following conditions:

- The load contains food, medical supplies, cleaning products, household goods, agricultural supplies and commodities (including but not limited to, livestock, raw milk and crop supplies), or any other goods and supplies necessary to respond to this public health disaster and its economic effects.
- The load does not exceed 90,000 pounds gross weight.
- The load does not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table by more than 12.5%.
- The load does not exceed the legal maximum axle weight limit of 20,000 pounds.
- The load otherwise complies with posted limits on roads and bridges.

Under these conditions, the divisible load is authorized to travel on Iowa and US highways, excluding the interstate system, without a permit.

Second, the Governor's March 19 Proclamation and subsequent extensions suspended Iowa Code §§ 321.463, 321E.2, 321E.8, and 321E.9 to allow these divisible loads to exceed 90,000 pounds on Iowa highways if these motor carriers obtained a permit. Therefore, for the duration of the proclamation and all extensions, customers are eligible for oversize and overweight permits and single-trip permits for divisible loads exceeding 90,000 pounds and related to responding to and recovering from this disaster.

HOW DOES THE GOVERNOR'S PROCLAMATION AFFECT CUSTOMERS TRAVELING ON THE INTERSTATE SYSTEM?

The Governor's proclamations and subsequent extensions only apply to Iowa highways. However, on March 13, 2020, President Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constituted a national emergency. Under 23 CFR 127(i), if the President of the United States has declared an emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, states are authorized to issue permits in accordance with state law for interstate travel for overweight divisible loads of relief supplies for up to 120 days from the President's disaster declaration. 120 days from the President's March 13 disaster declaration is July 11.

Iowa DOT stopped issuing these interstate permits on July 11.

WHICH CUSTOMERS ARE AFFECTED BY THESE SUSPENSIONS AND HOW ARE THEY AFFECTED?

These suspensions affect customers traveling through Iowa with divisible loads related to responding to and recovering from this disaster for the duration of the proclamation and any extensions. Customers with divisible loads that meet the conditions listed above may travel on Iowa highways without permit and on Iowa highways with permit if exceeding 90,000 pounds on or before September 20.

WHICH CUSTOMERS ARE NOT AFFECTED BY THIS SUSPENSION?

On and before September 20, customers with divisible loads that are not related to responding to and recovering from this disaster are not eligible for these suspensions.

On and after September 21, all customers wanting to move oversize or overweight divisible loads must comply with Iowa Code § 321E.29 and Iowa Administrative Code 761-511. Permits under Iowa Code 321E.29 are limited to the discretion of the department or permit-issuing authority to find a special or emergency situation which warrants the issuance of a special permit.

HOW DID THE GOVERNOR'S PROCLAMATION AFFECT THE REQUIREMENT THAT VEHICLES TRAVELING UNDER PERMIT BE REGISTERED FOR THE GROSS WEIGHT OF THE VEHICLE AND LOAD?

The Governor's March 19 Proclamation and subsequent extensions suspended part of Iowa Code § 321E.12, which states "A vehicle traveling under permit shall be registered for the gross weight of the vehicle and load." The load must relate to responding to and recovering from this disaster. Therefore, for the duration of the proclamation and any subsequent extensions divisible and indivisible vehicles and loads are not required to register for the gross weight of the vehicle and load if the vehicle and load relate to responding to and recovering from this disaster.

WHICH CUSTOMERS ARE AFFECTED BY THE GROSS WEIGHT SUSPENSION AND HOW ARE THEY AFFECTED?

For loads moving prior to September 21, customers are not required to register for the gross weight of the vehicle and load if the load relates to responding to and recovering from this disaster.

HOW DID THE GOVERNOR'S PROCLAMATION AFFECT THE REQUIREMENT THAT THERE IS A FEE FOR A PERMIT ISSUED TO A VEHICLE AND LOAD?

The Governor's March 19 Proclamation and subsequent extensions suspended part of Iowa Code 321E.14 which identifies fees for permits. For the duration of the proclamation and any extension, divisible and indivisible vehicle and loads related to responding to and recovering from this disaster are not required to pay a fee for the permit issued.

WHICH CUSTOMERS ARE AFFECTED BY THE FEE SUSPENSION AND HOW ARE THEY AFFECTED?

For loads moving prior to September 21, customers with divisible and indivisible loads that meet the above requirements are not required to obtain a permit for state highways.

WHICH CUSTOMERS ARE NOT AFFECTED BY THE SUSPENSION OF REGISTERING GROSS WEIGHT AND THE FEE FOR PERMITS?

Customers who are not carrying loads related to responding to or recovering from this disaster are not eligible under the Governor's proclamation for these suspensions.

Customers operating on and after September 21 will be required to register the gross weight of their vehicles and loads and to pay applicable permit fees under Iowa Code 321E.14. This is because the Governor's proclamation and extensions will have expired and will no longer be in effect.

HOW DID THE GOVERNOR'S PROCLAMATION AFFECT HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL VEHICLES?

The Governor's proclamation of March 19, and subsequent extensions, suspended the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles under certain conditions. To be eligible for this suspension, the following conditions apply:

- the load must contain vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets, food, medical supplies, cleaning products, other household goods, agricultural supplies and commodities (including but not limited to, livestock, raw milk, and crop supplies) any other goods and supplies necessary to respond to this public health disaster and its economic effects.
- Motor carriers are not exempt from the controlled substances and alcohol use and testing requirements, commercial drivers' license requirements, financial responsibilities requirements, or any other portion of the Code of Federal Regulations not specifically identified in the Proclamation.
- Motor carriers cannot be required or allowed to operate if fatigued or ill.
- Drivers who inform a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.

- Motor carriers must give the driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days.
- Motor carriers that have an out-of-service order in effect may not take advantage of this relief.

WHICH CUSTOMERS ARE AFFECTED BY THE HOURS OF SERVICE SUSPENSION AND HOW ARE THEY AFFECTED?

For loads moving prior to September 21, the above suspension of regulatory provisions and the conditions apply.

WHICH CUSTOMERS ARE NOT AFFECTED BY THE HOURS OF SERVICE SUSPENSION?

Customers who operate on and after September 21 are not eligible for this suspension because the Governor's proclamation will have expired. Customers with loads not related to responding to and recovering from this disaster are not eligible for this suspension.

HOW DID THE DIRECTOR'S WAIVER OF RULES ISSUED MARCH 17 AFFECT THE REQUIREMENT THAT VEHICLES REGISTER UNDER IRP AND LICENSE UNDER IFTA?

The Director's waiver of rules issued March 17 waived Iowa Administrative Code 761-500. 1 et seq., 500.24, 505.1 et seq., and 505.3(9). These provisions required carriers to operate under a trip permit if not otherwise registered under IRP and a temporary fuel permit if not otherwise licensed under IFTA. This waiver recognized that motor carriers transporting food, medical supplies, cleaning products, and other household goods would travel in and through the state of Iowa for the purpose of providing direct Coronavirus (COVID-19) assistance to all counties of the state.

WHICH CUSTOMERS ARE AFFECTED BY THE DIRECTOR'S WAIVER OF RULES FOR TRIP PERMITS AND TEMPORARY FUEL PERMITS?

Under normal circumstances, Iowa law requires operators of qualified motor vehicles traveling into Iowa to apply for a trip permit if not registered under IRP, and to apply for a temporary fuel permit if not licensed under IFTA. Under the Director's waiver, customers are not required to apply for a trip permit or a temporary fuel permit for the duration of the proclamation or any extension. The Director's waiver expires when the Governor's proclamation, or any extensions, expire.

WHICH CUSTOMERS ARE NOT AFFECTED BY THE DIRECTOR'S WAIVER OF RULES FOR TRIP PERMITS AND TEMPORARY FUEL PERMITS?

Customers who are not transporting goods for the purpose of providing direct emergency assistance to all counties of the state are not eligible for this waiver.

Customers who seek to operate on and after September 21 who are not otherwise registered under IRP or licensed under IFTA will be required to apply for a trip permit or a temporary fuel permit under existing law. This is because the Director's waiver is tied to the Governor's proclamation, and the Governor's proclamation and all extension expire as of 11:59 p.m. on September 20.

HOW DID THE DIRECTOR'S WAIVER ISSUED MARCH 20, 2020 AFFECT THE REQUIREMENT OF A PHYSICAL BILL OF LADING FOR CERTAIN CARRIERS?

The Director's waiver of rules issued March 20 waived Iowa Administrative Code 761-524.13. This provision required each motor carrier operating under a motor carrier permit issue a bill of lading or receipt in triplicate on the date freight is received for shipment. A physical bill of lading or physical receipt is expected under this rule. The Director's waiver waived the portions of the rule that specifically related to requiring a physical copy of the bill of lading or receipt and allowed carriers to display a bill of lading electronically.

WHICH CUSTOMERS ARE AFFECTED BY THE BILL OF LADING WAIVER AND HOW ARE THEY AFFECTED?

For loads moving before September 21, customers who are subject to the bill of lading requirement may display the bill of lading or receipt electronically. The waiver is limited to electronic display of documents, and did not waive requirements that the motor carrier have access to the bill of lading or receipt with the cargo, that the motor carrier shall keep the bill of lading or receipt for a period of not less than one year, and that the bill of lading or receipt is subject to inspection.

WHICH CUSTOMERS ARE NOT AFFECTED BY BILL OF LADING WAIVER?

Customers who operate on and after September 21 are required to display a physical bill of lading or receipt because the administrative rules will no longer be waived. This is because the Director's waiver expires when the Governor's proclamation, or any extensions, expire.

MAY CUSTOMERS APPLY FOR PERMITS UNDER THE SUSPENSION OR WAIVER PROVISIONS THAT EXTEND BEYOND September 21, 2020?

No. All permits authorized under the Governor's proclamation and extensions expire as of 11:59 p.m. on September 20, 2020. Iowa law and Iowa Administrative Code will apply to all motor carriers operating on and after September 21, absent another proclamation, extension, or waiver.

WHAT IS THE BEST WAY TO CONTACT DOT REGARDING QUESTIONS?

omcs@iowadot.us

515-237-3268

**APPENDIX A: Deadline for IRP-Registered Vehicles to Apply to Add
Vehicle/Transfer Vehicle and Applicable Late-Filing and Late-Payment Penalties**

Commercial Vehicle Add Date/Transfer Date (IRP)	Days into cycle on March 26 (this day is repeated July 26)	Last Day to Apply to Add Vehicle/Transfer Vehicle Before Late-Filing Penalty	Last Day to Pay to Add Vehicle/Transfer Vehicle Before Late-Payment Penalty	Date Can No Longer Waive Late-Filing or Late-Payment Penalties
On or before February 24	At least 30 days have passed	0	0	Immediately
February 25	30	July 27 (weekend)	July 27 (weekend)	July 28 (weekend)
February 26	29	July 27	July 27	July 28
February 27	28	July 28	July 28	July 29
February 28	27	July 29	July 29	July 30
February 29	26	July 30	July 30	July 31
March 1	25	July 31	July 31	August 1
March 2	24	August 3 (weekend)	August 3 (weekend)	August 4 (weekend)
March 3	23	August 3 (weekend)	August 3 (weekend)	August 4 (weekend)
March 4	22	August 3	August 3	August 4
March 5	21	August 4	August 4	August 5
March 6	20	August 5	August 5	August 6
March 7	19	August 6	August 6	August 7
March 8	18	August 7	August 7	August 8
March 9	17	August 10 (weekend)	August 10 (weekend)	August 11 (weekend)
March 10	16	August 10 (weekend)	August 10 (weekend)	August 11 (weekend)
March 11	15	August 10	August 10	August 11
March 12	14	August 11	August 11	August 12
March 13	13	August 12	August 12	August 13
March 14	12	August 13	August 13	August 14
March 15	11	August 14	August 14	August 15
March 16	10	August 17 (weekend)	August 17 (weekend)	August 18 (weekend)
March 17	9	August 17 (weekend)	August 17 (weekend)	August 18 (weekend)
March 18	8	August 17	August 17	August 18
March 19	7	August 18	August 18	August 19
March 20	6	August 19	August 19	August 20
March 21	5	August 20	August 20	August 21
March 22	4	August 21	August 21	August 22
March 23	3	August 24 (weekend)	August 24 (weekend)	August 25 (weekend)
March 24	2	August 24 (weekend)	August 24 (weekend)	August 25 (weekend)
March 25- July 25	1	August 24	August 24	August 25
July 26 to present	0	Standard 30-day requirement	Standard 30-day requirement	Standard 30-day requirement